IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO: 12807 of 2005

Between:

1 Avula Biksham, S/o. Venkataiah,
R/o. Chityal Village, Thorrur mandal, Warangal District.
2 Amanchi Rajalingam, S/o. Chandraiah,
R/o. Chityal Village, Thorrur mandal, Warangal District.
3 Vallapu Venkanna, S/o. Mallaiah,
R/o. Chityal Village, Thorrur mandal, Warangal District.
4 Paka Vijaya, W/o. Ramaiah,
R/o. Chityal Village, Thorrur mandal, Warangal District.
5 Banothu Redya, S/o. Bhikya,
Bommakallu, Reddikunta Tanda, Thorrur mandal, Warangal District.
6 Vallapur Avilamma, W/o. Mallaiah,
R/o. Chityal Village, Thorrur mandal, Warangal District.

..... PETITIONERS

A N D

1 The District Collector, Subedari, Hanamkonda, Warangal District.
2 The Superintendent of Police, Warangal District, Warangal.
3 The Circle Inspector of Police, Torrur, Warangal district.
4 The Sub-Inspector of Police, Torrur, Warangal District.
5 The Mandal Revenue Officer, Thorrur Mandal, Warangal District.
6 The Village Administrative Officer, Chityal Village, Thorrur Mandal,
Warangal District.
7 Avula Ramachandru, S/o. Peddabalaiah, R/o. Chityal Village,

Thorrur Mandal, Warangal District.
8 Vallapur Parvatalu, S/o. Lingaiah, R/o. Chityal Village, Thorrur

Mandal, Warangal District.
9 Paka Ramaiah, S/o. Abbaiah, R/o. Chityal Village, Thorrur Mandal,

Warangal District.
10 Paka Madhu, S/o. Ramaiah, R/o. Chityal Village, Thorrur Mandal,

Warangal District.
11 Banothu Jagga, S/o. Mangthya, R/o. Chityal Village, Thorrur

Mandal, Warangal District.
12 Paka Navin, S/o. Ramaiah, R/o. Chityal Village, Thorrur Mandal,

Warangal District.
13 Paka Ravi, S/o. Ramaiah, R/o. Chityal Village, Thorrur Mandal,

Warangal District.
14 Banothu Sura, S/o. Rekhya, R/o. Chityal Village, Thorrur Mandal,

Warangal District.
15 Banothu Hari, S/o. Kota, R/o. Chityal Village, Thorrur Mandal,

Warangal District.
16 Vallpu LIngaiah, S/o. Hanmanthu,
R/o. Chityal Village, Thorrur Mandal, Warangal District.
17 Avula Komaraiah, S/o. Hanmanthu,
R/o. Chityal Village, Thorrur Mandal, Warangal District.
18 Mangya, S/o. Buchya,
R/o. Chityal Village, Thorrur Mandal, Warangal District.

..... RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus " declaring the action of the Respondents 1 to 5 in not taking action against the respondents 7 to 18 and others in illegally laying road through the patta land of the Petitioners as illegal, arbitrary, unjust and unconstitutional and consequently direct the respondents 1 to 5 take necessary steps as per the law by preventing the laying road pursuant to the complaints of the petitioners dt.10-06-2005 and 11-06-2005 in the interest of justice and pass such other order or orders as this Hon'ble High Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.D.RAMAKRISHNA

Counsel for the Respondents 1 to 6 : GP FOR REVENUE .

Counsel for the Respondents 7 to 18: None appeared.

The Court at the stage of admission made the following: (order follows 3rd page)

O R D E R:

This writ petition is filed seeking to declare the action of the respondents 1 to 5 in not taking action against the respondents 7 to 18 and others in illegally laying road through the patta land of the petitioners as illegal, arbitrary, unjust and unconstitutional and consequently direct the respondents 1 to 5 to take necessary steps as per law by preventing them from laying road pursuant to the complaint of the petitioners dated 10-6-2005 and 11-6-2005 respectively in the interest of justice and pass appropriate orders in the circumstances of the case.

The case of the petitioners is that they belong to Chityal village of Thorrur Revenue Mandal in Warangal district. They are the absolute owners and pattedars of agricultural land situated at Chityal village. The first petitioner is having Ac:1-16 of land in survey nos.383/A, 419/A, 419/B, 419/C, 419/D, 419/E; second petitioner is having Ac:0-21 of land in survey no.412, third petitioner is having Ac:0-22 of land in survey no.420/D, fourth petitioner is having Acs:1-36 and Acs:3-32 in sy.no.380, 360/1, fifth petitioner is having Ac:1-32 in sy.nos. 420/A, 420/C, 421/A, 421/B and sixth petitioner is having Ac:0-18 in sy.no.420/B.

It is submitted that they are the pattedars of the said extent of land and the respondents 7 to 18 and several others with the instigation of local MLA are resorting to illegal activities of laying an unauthorized road from Chityal village to Redikunta thanda through their patta lands. Originally there was no proposal to lay road either from the Gram Panchayat or under food for work programme. The Gram Panchayat authorities or the revenue authorities never gave any permission to lay

the road and the respondents 7 to 18 are unauthorisedly laying road through their lands and threatening to kill.

It is further submitted that when the petitioners gave complaint on 10-6-2005 and 11-6-2005 the respondents 1 to 5 are not taking any action against respondents 7 to 18 and others in illegally laying road through the patta land of the petitioners. Therefore, the petitioners have filed this writ petition against the respondents 1 to 5 for not taking action on their complaint.

Heard the learned counsel for the petitioners and the learned Govt.Pleader for Revenue.

After hearing both sides and perused the material placed on record. If the unofficial respondents are laying road without due sanction of the Gram Panchayat or any authority from the lands of the petitioners, the petitioners should have approached competent civil court seeking their redressal of grievance or interim direction not to lay the road without paying compensation. The writ petition fails and is not maintainable under Article 226 of the Constitution of India.

The writ petition is accordingly dismissed. No costs.

JUNE16th, 2005. ----------

I S L. ELIPE DHARMA RAO , J.

To

1 The District Collector, Subedari, Hanamkonda, Warangal district.
2 The Superintendent of Police, Warangal, Warangal district.
3 The Circle Inspector of Police, Thorrur, Warangal district.
4 The Sub-Inspector of Police, Torrur, Warangal District.
5 The Mandal Revenue Officer, Thorrur Mandal, Warangal District.
6 The Village Administrative Officer, Chityal Village, Thorrur Mandal, Warangal District.
7 Two CCs. to G.P. for Revenue, High Court Buildings, High Court of

A.P., Hyderabad (OUT)

8 Two CD Copies.